

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

JESSICA A. STOLER,

Plaintiff,

v.

Civil Action No. 2:18-CV-00988

PENNYMAC LOAN SERVICES, LLC

Defendant.

**DECLARATION OF FRANCIS X. CROWLEY**

I, Francis X. Crowley, declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner with the law firm Blank Rome LLP, attorneys for defendant PennyMac Loan Services, LLC (“PennyMac”), and I am fully familiar with the facts herein. I submit this declaration in support of PennyMac’s motion for summary judgment.
2. Attached hereto as **Exhibit B-1** and **Exhibit B-2** are true and correct copies of the transcript of the December 20, 2017 telephone call between plaintiff Jessica Stoler and PennyMac, as transcribed by MAGNA Legal Services.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON AUGUST 21, 2019.



FRANCIS X. CROWLEY

# **EXHIBIT B-1**

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

- - -  
JESSICA A. STOLER, :  
Plaintiff, :  
v. : Civil Action No.  
: 2:18-CV-00988  
PENNYMAC LOAN SERVICES, :  
LLC, :  
Defendant. :  
- - -

AUDIO TRANSCRIPTION OF:

Phone Call with Jessica A. Stoler

Transcribed By: Maureen C. Brzycki, Court Reporter

Magna Legal Services

866-624-6221

[www.MagnaLS.com](http://www.MagnaLS.com)

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1                   CUSTOMER SERVICE REP: Thank you  
2                   for contacting PennyMac. My name is  
3                   Eddie. With who do I have the pleasure  
4                   of speaking with today?

5                   JESSICA STOLER: Jessica Stoler.

6                   CUSTOMER SERVICE REP: How are  
7                   you doing today, ma'am?

8                   JESSICA STOLER: Okay.

9                   How are you?

10                  CUSTOMER SERVICE REP: Doing  
11                  well. Thank you for asking.

12                  Just real quickly, I'd like  
13                  to inform you of the account status,  
14                  which currently reflects an active  
15                  foreclosure in process. At this time  
16                  there's no scheduled sale date, but one  
17                  can be assigned at any time.

18                  So with that said, ma'am,  
19                  what is your intention with the  
20                  property at this time?

21                  JESSICA STOLER: Well, what  
22                  happened is I had some sort of special  
23                  forgiveness thing a while back, and it  
24                  was getting ready to be over, and I --

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1                   he had said, you know, my -- my  
2                   assigned agent or whatever, that I  
3                   could possibly apply for another  
4                   program when that was over, or you  
5                   know, if income changed, whatever. I  
6                   had a medical emergency this year that  
7                   caused all of this. But anyways, my  
8                   unemployment ran out, so that was  
9                   obviously a change in my income. And  
10                  now I have a job. So what I wanted to  
11                  see is if there's some way I can start  
12                  another program to put, you know, put  
13                  this on hold and try to fix this  
14                  situation.

15                  CUSTOMER SERVICE REP: Okay.

16                  So were you laid off because  
17                  of your health issues or did you quit  
18                  because of your health issues?

19                  JESSICA STOLER: Let go  
20                  basically.

21                  CUSTOMER SERVICE REP: Oh, okay.

22                  JESSICA STOLER: I had  
23                  unemployment for the total amount of  
24                  time, I guess, that it was allotted,

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1                   and it ran out on me, and I basically  
2                   had nothing until this week or so, and  
3                   I have found something. I just  
4                   started.

5                   And so I guess what I want  
6                   to do is see if there's some way I can  
7                   get another hold on that foreclosure  
8                   status and try to get another program  
9                   to get this fixed or whatever.

10                  CUSTOMER SERVICE REP: Yeah, we  
11                  can see what we can offer you here.

12                  How long were you unemployed  
13                  for, ma'am?

14                  JESSICA STOLER: Since May of  
15                  this year.

16                  CUSTOMER SERVICE REP: Until  
17                  when?

18                  JESSICA STOLER: Until just last  
19                  week.

20                  CUSTOMER SERVICE REP: And it ran  
21                  out like in November?

22                  JESSICA STOLER: Yes. Mm-hm.

23                  CUSTOMER SERVICE REP: And did  
24                  you receive it right away in March --

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1                   in May, or did you receive like two in  
2                   July?

3                   JESSICA STOLER: I started --  
4                   let's see, it was -- it was, end of  
5                   May, I think, that -- I probably  
6                   received -- started receiving it around  
7                   the first of June, yes. Because it  
8                   was, you know, around the end of May  
9                   that I --

10                  CUSTOMER SERVICE REP: Ran out?  
11                  JESSICA STOLER: I applied for  
12                  it.

13                  CUSTOMER SERVICE REP: But it ran  
14                  out at the end of November you said,  
15                  right?

16                  JESSICA STOLER: Yes. Mm-hm.

17                  I think in my state you're  
18                  only allowed to collect it for 26  
19                  weeks.

20                  CUSTOMER SERVICE REP: Oh, okay.  
21                  And you said you found  
22                  employment last week or when?

23                  JESSICA STOLER: Yes, yes.  
24                  It's only part time, but you

1 know -- you know, I have -- I have  
2 accepted it and started it just, you  
3 know, for something and still currently  
4 looking for full time.

5 CUSTOMER SERVICE REP: Now at  
6 this point we are, you know, going to  
7 be forced to review you for a program  
8 that helps you bring the account  
9 current. But you must qualify for it.

10 It's not a guarantee and --

11 JESSICA STOLER: Mm-hm.

12 CUSTOMER SERVICE REP: -- you may  
13 not qualify for it with just your part  
14 time income, but you can still try.  
15 And if you don't qualify, then you can  
16 just, you know, reapply when you have  
17 another part time job, or if you obtain  
18 a full time job but --

19 JESSICA STOLER: Okay.

20 CUSTOMER SERVICE REP: -- with  
21 that said, before discussing your  
22 financial situation, know that you can  
23 choose not to include income from  
24 alimony, child support, or separate

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1                   maintenance payments, unless you wish  
2                   to rely on that income in the  
3                   determination to qualify for possible  
4                   out of work assisted options. All  
5                   right.

6                   But do you own any other  
7                   properties, ma'am?

8                   JESSICA STOLER: No.

9                   CUSTOMER SERVICE REP: Is there a  
10                  second mortgage against this property?

11                  JESSICA STOLER: No.

12                  CUSTOMER SERVICE REP: Do you pay  
13                  for homeowner's association or condo  
14                  fees?

15                  JESSICA STOLER: No.

16                  CUSTOMER SERVICE REP: Do you  
17                  have any retirement or investment  
18                  accounts?

19                  JESSICA STOLER: No.

20                  CUSTOMER SERVICE REP: And so  
21                  your intention is to keep the property,  
22                  correct?

23                  JESSICA STOLER: Yes.

24                  CUSTOMER SERVICE REP: The 705.62

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1                   mortgage payment that you have, can you  
2                   afford that?

3                   JESSICA STOLER: No.

4                   CUSTOMER SERVICE REP: All right.

5                   JESSICA STOLER: The program I  
6                   was on dropped it down to \$411. I was,  
7                   you know, I was doing that okay while I  
8                   was on the, you know, the unemployment.

9                   CUSTOMER SERVICE REP: Yeah. No.

10                  But now it's going to be  
11                  something different since you're not  
12                  unemployed.

13                  JESSICA STOLER: Yeah.

14                  CUSTOMER SERVICE REP: So let me  
15                  see here.

16                  Do you have anything like  
17                  saved up that you'd be able to  
18                  contribute toward the account today?

19                  JESSICA STOLER: No, not today.  
20                  No.

21                  CUSTOMER SERVICE REP: Okay.

22                  And once again you're  
23                  occupying the property and have no  
24                  plans of vacating, correct?

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1                   JESSICA STOLER: Correct.

2                   CUSTOMER SERVICE REP: How  
3                   frequently are you getting paid right  
4                   now and how much on average?

5                   JESSICA STOLER: It will be once  
6                   a week, and it is -- I haven't got a  
7                   check yet. Do you want me to figure it  
8                   out? I know how much it is an hour and  
9                   how many hours --

10                  CUSTOMER SERVICE REP: Yeah.

11                  Let's go by gross for now.

12                  JESSICA STOLER: Okay.

13                  Let's see. It's -- I don't  
14                  have a calculator in front of me. It's  
15                  \$16.23 an hour.

16                  CUSTOMER SERVICE REP: Mm-hm.

17                  JESSICA STOLER: And I'm  
18                  getting -- it will vary between twenty  
19                  and twenty five hours a week.

20                  CUSTOMER SERVICE REP: So  
21                  averaging it out at 25 per week, the  
22                  monthly gross of around \$1,758.25.

23                  JESSICA STOLER: Uh-huh. That  
24                  sounds good.

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1                   CUSTOMER SERVICE REP: Any other  
2                   source of income?

3                   JESSICA STOLER: No.

4                   CUSTOMER SERVICE REP: Do you pay  
5                   for any sort of dependent care, like  
6                   day care, babysitting?

7                   JESSICA STOLER: No.

8                   CUSTOMER SERVICE REP: Personal  
9                   loans?

10                  JESSICA STOLER: I'm sorry. I  
11                  didn't hear you.

12                  CUSTOMER SERVICE REP: Any  
13                  personal loans with friends and family?

14                  JESSICA STOLER: No.

15                  CUSTOMER SERVICE REP: Natural  
16                  gas?

17                  JESSICA STOLER: I have a gas  
18                  bill.

19                  CUSTOMER SERVICE REP: Okay.

20                  How much is that?

21                  JESSICA STOLER: In the winter,  
22                  approximately \$30-\$40.

23                  CUSTOMER SERVICE REP: Electric?

24                  JESSICA STOLER: Electric is

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1 going to be probably around 120ish.

2 CUSTOMER SERVICE REP: And water?

3 JESSICA STOLER: Around 90.

4 Maybe 80.

5 CUSTOMER SERVICE REP: And repeat  
6 the water. Sorry.

7 JESSICA STOLER: Eighty.

8 CUSTOMER SERVICE REP: Do you pay  
9 for a home phone?

10 JESSICA STOLER: No.

11 CUSTOMER SERVICE REP: Cellphone?

12 JESSICA STOLER: Yes.

13 CUSTOMER SERVICE REP: How much  
14 is that bill?

15 JESSICA STOLER: Ninety.

16 CUSTOMER SERVICE REP: Cable?

17 JESSICA STOLER: Yes, it's around  
18 100.

19 CUSTOMER SERVICE REP: Internet?

20 JESSICA STOLER: It's included.

21 CUSTOMER SERVICE REP: Groceries?

22 JESSICA STOLER: Yes. Maybe 100  
23 a week.

24 CUSTOMER SERVICE REP: Car gas?

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1                   JESSICA STOLER: That might be a  
2                   little high.

3                   CUSTOMER SERVICE REP: What about  
4                   car gas?

5                   JESSICA STOLER: Maybe twenty.

6                   CUSTOMER SERVICE REP: Car  
7                   insurance?

8                   JESSICA STOLER: Hundred a month.

9                   CUSTOMER SERVICE REP: Medical or  
10                  dental related expenses?

11                  JESSICA STOLER: No.

12                  CUSTOMER SERVICE REP: Alimony or  
13                  child support?

14                  JESSICA STOLER: No.

15                  CUSTOMER SERVICE REP: Extra  
16                  credit accounts? All I see is Allied  
17                  Financial; is that correct?

18                  JESSICA STOLER: Correct.

19                  CUSTOMER SERVICE REP: Any other  
20                  living expense or credit account?

21                  JESSICA STOLER: No.

22                  CUSTOMER SERVICE REP: (Inaudible  
23                  ). Hold one second here.

24                  JESSICA STOLER: I'm sorry?

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1 CUSTOMER SERVICE REP: All right.

2 Can I place you on a brief hold while I  
3 submit this information?

4 JESSICA STOLER: Yes.

5 CUSTOMER SERVICE REP: Thank you,  
6 ma'am.

7 - - -

8 (Whereupon, file ended.)

9 - - -

10

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24

Page 2019

CERTIFICATE

I HEREBY CERTIFY that this transcript is a true record of the content on the file provided to me to the best of my ability.

Maureen Cunningham Brzycki,

Dated: August 20,

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

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# **EXHIBIT B-2**

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

- - -  
JESSICA A. STOLER, :  
Plaintiff, :  
v. : Civil Action No.  
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Page 2

1 CUSTOMER SERVICE REP: Thank you  
2 very much for holding, ma'am.

3 JESSICA STOLER: Mm-hm.

4 CUSTOMER SERVICE REP: All right.

5 So just to confirm once  
6 again, no additional credit account,  
7 living expense, or income before I  
8 submit this?

9 JESSICA STOLER: (Inaudible).

10 CUSTOMER SERVICE REP: Alrighty.

11 JESSICA STOLER: Mm-hm.

12 CUSTOMER SERVICE REP: So what  
13 we're going to do is send you out an  
14 application for you to fill out.  
15 You'll be getting it in a package that  
16 you'll be receiving within seven to ten  
17 days. So the package will have our  
18 mortgage assistance application, and  
19 additional -- additional list of  
20 documents we'll need from you to  
21 proceed with the review.

22 If you need any help with  
23 this review, you can just contact our  
24 modification queue until we let you

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1 know you have a dedicated point of  
2 contact. So on the meantime, any  
3 questions just call (866) 629-4570.

4 JESSICA STOLER: One second. Let  
5 me write that down. Sorry. It's a  
6 different number than a --

7 CUSTOMER SERVICE REP: Yep.

8 JESSICA STOLER: -- than I had.

9 Okay. Okay. (866) 629 --

10 CUSTOMER SERVICE REP: 4570.

11 JESSICA STOLER: Okay. Okay.

12 CUSTOMER SERVICE REP: All right.

13 But besides that, the  
14 documents you can submit by mail, fax,  
15 or you can upload them to our website  
16 PennMacUSA.com. If you want to get a  
17 head start by any chance, you can go on  
18 now. Just log into your PennyMac  
19 account. You'll have access to the  
20 forms that come with this process.

21 Just go to the modification center.

22 And if you wanted to by any chance  
23 upload them through the website, you  
24 can do it through there or --

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1                   JESSICA STOLER: Uh-huh.  
2                   CUSTOMER SERVICE REP: -- or send  
3                   fax or mail back those documents. If  
4                   you do mail, make sure you make copies  
5                   of what you're mailing in.

6                   But with that, be advised  
7                   the modification may impact your credit  
8                   score or have tax implications. The  
9                   assistance also is not a guarantee, but  
10                  I do wish you the best of luck and  
11                  until the account is brought current  
12                  (inaudible).

13                  JESSICA STOLER: Am I -- am I at  
14                  least protected while I'm waiting for  
15                  these seven to ten days giving the  
16                  review, or --

17                  CUSTOMER SERVICE REP: No.  
18                  The only time we're going to  
19                  go ahead and suspend the foreclosure is  
20                  when we let you know we're awaiting the  
21                  decision. Sometimes we do it before,  
22                  when we have the majority of the  
23                  package, but we'll let you know like  
24                  when you call in that, you know,

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1           it's -- or you could just ask us, is  
2           the foreclosure suspended. We'll let  
3           you know if it is or not yet. But  
4           typically the one -- definitely where  
5           it will be suspended is when we reach  
6           the awaiting decision point. While we  
7           await for a decision, we do hault all  
8           activity pending that decision.

9                             JESSICA STOLER: Okay.

10                  CUSTOMER SERVICE REP: All right.

11                  But --

12                  JESSICA STOLER: All right.

13                  CUSTOMER SERVICE REP: So until  
14                  the account is brought current  
15                  collection activity, late charges, and  
16                  credit reporting, including foreclosure  
17                  proceedings will continue.

18                  But any additional questions  
19                  at this time, ma'am?

20                  JESSICA STOLER: No thank you.

21                  CUSTOMER SERVICE REP: Alrighty.

22                  Just so before I let you go,  
23                  the e-mail on file,  
24                  jessica.leary@yahoo.com, still valid?

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1 JESSICA STOLER: Yes.

2 CUSTOMER SERVICE REP: Cellphone  
3 (304) 989-0516. Still your cellphone?

4 JESSICA STOLER: Yes.

5 CUSTOMER SERVICE REP: Any other  
6 phone number you'd like to add to the  
7 account?

8 JESSICA STOLER: No thank you.

9 CUSTOMER SERVICE REP: Alrighty.

10 Mrs. Stoler, I do thank you  
11 very much for being a valued PennyMac  
12 client. Wish you the best of luck with  
13 this process. Any additional questions  
14 come up, call that number and we'll be  
15 ready to serve you; okay?

16 JESSICA STOLER: Thank you.

17 CUSTOMER SERVICE REP: Enjoy the  
18 rest of your day.

19 JESSICA STOLER: Bye.

20 - - -

21 (Whereupon, file ended.)

22 - - -

23

24

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CERTIFICATE

I HEREBY CERTIFY that this transcript is a true record of the content on the file provided to me to the best of my ability.

Maureen Cunningham Brzycki,

Dated: August 21,

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

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